



Table Of Contents

I.	The Status of the Application and All Claims	20
II.	Response Time Limit to New Ground of Rejection	20
III.	Pending Petition to Re-characterize the Panel's Decision on Claims 17-32	20
IV.	Review and Panel Decision, Addressing Conclusion of Law and Fact of the Panel, and Effect on Ongoing Prosecution	20
A.	Summary of the Panel Decision	20
B.	Comments on the Reversal of the Rejection of Claims 8, 9, 12, and 13 under 35 USC 102 Based upon Creekmore	21
C.	Comments on the Reversal of the Rejections of Claims 33-39 under 35 USC 102 Based upon Goldman	22
D.	Comments on the Reversal of the Rejections of Claims 15 and 16 Under 35 USC 103 as Obvious Based Upon <i>Creekmore</i> in View of <i>Off</i>	22
E.	Comments on the Reversal of Rejections of Claims 10, 11, and 14 Under 35 USC 103 Based upon <i>Creekmore</i> , in View of <i>Off</i> , and Further in View of <i>Tai</i>	23
F.	Comments on the Affirmance of Rejections of Claims 17-32 Under 35 USC 103 Based Upon <i>Creekmore</i> , <i>Off</i> , <i>Tai</i> , - and <i>Bigari</i>	24
1.	Facts Relating to the Panel's Decision	24
2.	The Teachings of Bigari	25
a.	The Bigari Credit Voucher Concept	25
b.	Data that Bigari <u>Does Disclose</u> Storing	25
c.	Data that Bigari <u>Does Not Disclose</u> Storing	26
d.	What Bigari Discloses Transmitting between the Point of Sale Terminal and the Transaction Processor	27
e.	The Data That Bigari Discloses Storing at the End of the Purchase Transaction	27
3.	The Teachings of Creekmore	27
a.	Creekmore's Check Verification Based Business Concept	27

b.	Data that Creekmore <u>Does Disclose</u> Storing	<u>28</u>
c.	Data that Creekmore <u>Does Not Disclose</u> Storing	<u>29</u>
4.	The Panel's Creekmore/Bigari Combination Is Improper	<u>29</u>
a.	Both Bigari and Creekmore Teach Away from Performing Credit Verification (Voucher or Check) at the Point of Sale	<u>30</u>
b.	Bigari's Second Embodiment Does Not Suggest Integrating a Credit <i>Verification Terminal</i> into a Point of Sale Terminal ...	<u>30</u>
1.	What the Bigari Second Embodiment Teaches	<u>30</u>
2.	The Panel's Conclusions Based Upon Bigari Do Not Logically Follow From the Teachings of Bigari	<u>32</u>
a.	Errors made by the Panel	<u>32</u>
c.	It Would Be Illogical to Incorporate, as the Panel Suggested, <i>Creekmore's</i> Check Credit Verification Terminal into <i>Creekmore's</i> Point of Sale Terminal	<u>32</u>
d.	Any Modification of Creekmore in View of Bigari Is Not Logical and There Is No Objective Motivation for Such a Modification	<u>33</u>
e.	Even a Modification of Creekmore to Incorporate Check Processing Functionality in a Point of Sale Terminal Would Not Result in Certain Claimed Subject Matter	<u>34</u>
f.	Assuming Arguendo a Combination of Creekmore and Bigari, Claim 17 is Still Non-Obvious	<u>35</u>
g.	Furthermore, Neither Reference Discloses or Suggests Storing in a Transaction Record a Time or Date of Transaction, as per Claims 29 and 32	<u>36</u>
G.	Comments on the Panel's Reversal of Rejections of Claims 10, 11, and 14 for Obviousness-type Double Patenting over Claims 18 and 26 of USP 5,201,010 in View of Tai	<u>37</u>

H.	Comments on the Panel's Reversal of the Rejections of Claims 17-32 for Obviousness-Type Double Patenting over Claims 1 and 3 of USP 5,592,560	<u>37</u>
I.	Comments on the Panel's New Ground of Rejection of Claim 33 as Anticipated by Creekmore	<u>38</u>
1.	Creekmore Does Not Disclose Claim 33's "customer database comprising stored transaction data from prior point-of-sale transactions ... in association with a customer identification ... <u>dollar amount of purchases</u> "	<u>39</u>
a.	Creekmore Does Not Disclose Storing <i>Check Dollar Amounts</i> from " <i>prior ... transactions</i> "	<u>39</u>
2.	Creekmore Does Not Disclose Claim 33's "customer database comprising stored transaction data from prior point-of-sale transactions ... in association with a customer identification ... <i>time period</i> "	<u>44</u>
V.	Support for New Claims	<u>46</u>
VI.	Closure	<u>47</u>